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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,328	07/27/2001	Barry E. Willner	I01.074	1243
48175	7590	02/15/2006	EXAMINER	
BMT/IBM FIVE ELM STREET NEW CANAAN, CT 06840			AVERY, JEREMIAH L	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/917,328	Applicant(s) WILLNER ET AL.	
	Examiner Jeremiah Avery	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-24, 26 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-24, 26 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 3, 12, 26 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12, 18-24, 26 and 45-47 have been examined.
2. Claims 13-17, 25, 27-44 and 48-50 have been cancelled.
3. Response to Applicant's Remarks has been given.

Claim Objections

1. Claims 3, 12 and 47 are objected to because of the following informalities:
punctuation error. A period should be at the end of the sole remaining limitation in claims 3 and 12, whereas the period should be at the end of the last limitation in claim 47. Appropriate correction is required.
2. Claim 26 is objected to because of the following informalities: "exceeds" should be changed to "exceed" in the final limitation of this claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 18-24, 26 and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,314,409 to Schneck et al., hereinafter Schneck.

3. (Currently Amended) Regarding claim 1, Schneck teaches a method for a web server, comprising:

determining a plurality of user information collection levels that may be implemented by said web server, wherein each user information collection level relates to a type of information that may be collected from or about a prospective user during a future interaction between the prospective user and the web server (column 7, lines 16-48 and column 12, lines 9-12);

receiving a request for a web page from a user, said request including an indication of one or more of user information collection levels that are acceptable to said user (column 10, lines 6-13 and 27-31 and column 17, lines 4-7);

determining one user information collection level of said plurality of levels based on the indication of the one or more information collection levels that are acceptable to said user (column 7, lines 55-58, column 12, lines 4-12 and column 32, lines 30-42);

providing said requested web page to said user, said web page including a notification of said determined user information collection level (column 9, lines 59-67, column 10, lines 1-11 and 27-31, column 11, lines 62-67, column 12, lines 1-12 and column 15, lines 1-35).

4. (Currently Amended) Regarding claim 2, Schneck teaches providing an indication to said user of the determined user information collection level prior to providing said requested web page (column 7, lines 55-58, column 10, lines 1-5, column 11, lines 4-15 and column 12, lines 24-28);

["Enables" provides the indication that the user can now proceed to access the desired data.]

receiving from said user a consent to provide said requested web page in accordance with said determined user information collection level (column 7, lines 15-22, column 17, lines 4-7 and column 18, lines 18-21).

[By initiating an input request, the user is providing the consent to receive the data since a user would not be requesting data they did not want access to.]

5. (Currently Amended) Regarding claim 3, Schneck teaches wherein said determining one of said plurality of user information collection levels includes the following:

identifying at least one user information collection level from said plurality of user information collection levels that was applied during a previous interaction involving said user (column 19, lines 58-61, "already determined usable").

6. (Currently Amended) Regarding claim 4, Schneck teaches wherein said providing a notification of said determined user information collection levels to said user includes at least one of the following:

delaying an interaction until said user receives said notification (column 9, lines 55-67 and column 10, lines 1-5);

delaying an interaction until said user confirms receipt of said notification (column 9, lines 55-67 and column 10, lines 1-5);

[The aforementioned delays stem from the confirmation and the transmission of the data to the user via the communication channel.]

providing said notification to a device associated with said user (column 7, lines 26-41 and 61-64, column 10, lines 32-39 and column 15, lines 41-61);

providing said notification to a device by said user to transmit the request (column 7, lines 26-41 and 61-64, column 10, lines 32-39 and column 15, lines 41-61);

providing a communication indicative of said one of said plurality of user information collection levels to software being used by said user (column 9, lines 55-58 and column 15, lines 25-29).

7. (Currently Amended) Regarding claim 5, Schneck teaches wherein the request is received in conjunction with at least one of the following:

said user conducting a transaction with a service provider (column 15, lines 10-21);

[A service provider enables access to the Internet and related communication networks.]

said user making a purchase (Figure 5, column 9, lines 55-58, column 10, lines 40-46 and column 22, lines 24-31 and 58-60);

said user accessing a Web site (column 17, lines 46-52);

[Prior to downloading data from a Web site, a user must have access to a Web site.]

said user using a feature of a Web site (column 15, lines 10-21 and column 17, lines 46-64);

said user downloading data from a Web site (column 17, lines 46-52);

said user providing data to a Web site (column 17, lines 46-52).

[Prior to being able to access the data obtained from the Web site, the user has to provide their identification data.]

8. (Currently Amended) Regarding claim 6, Schneck teaches wherein said notification includes at least one of the following:

an identifier associated with said user (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

an identifier associated with the request (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

a user information collection level identifier (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

a cookie (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

[Cookies, after obtaining the identity of a user, can provide a customized version of the requested data, tailored to the individual user(s).]

information regarding said plurality of user information collection level (column 19, lines 48 and 49 and column 20, lines 2-4);

information regarding said determined user information collection level (column 19, lines 48 and 49 and column 20, lines 2-4);

a message indicative of said determined user information collection level
(column 17, lines 31-40 and 61-64);

a message displayable by software operating on a device used by said
user to transmit the request (column 17, lines 31-40 and 61-64);

an image displayable by software operating on a device used by said user
to transmit the request (column 7, lines 49 and 50, column 10, lines 32-36,
column 11, lines 62-67 and column 12, lines 1-3);

an image indicative of said determined user information collection level
(column 7, lines 49 and 50, column 10, lines 32-36, column 11, lines 62-67
and column 12, lines 1-3).

9. (Currently Amended) Regarding claim 7, Schneck teaches receiving a
confirmation of receipt of said notification by said user (column 19, lines 50-61);

receiving a confirmation of receipt of said notification by a device associated with
said user (column 19, lines 33-43 and column 24, lines 33-35);

receiving a confirmation of receipt of said notification by software used by said
user (column 10, lines 21-24 and 31-39).

10. (Currently Amended) Regarding claim 8, Schneck teaches receiving a notification
indicative of a change of user information collection level (column 24, lines 55-65).

11. (Currently Amended) Regarding claim 9, Schneck teaches receiving a request to
change a user information collection level (column 24, lines 55-65).

12. (Currently Amended) Regarding claim 10, Schneck teaches wherein the
determined user information collection levels includes at least one of the following:

a requirement that said user be informed of user data received by a party involved in said an interaction (column 31, lines 64-67 and column 32, lines 13-21);

[The user can be informed by receiving a receipt.]

a requirement that said user be informed of a retention of user data received by a party involved in an interaction (column 31, lines 46-50);

a requirement that said user be informed of a use of user data received by a party involved in an interaction (column 31, lines 64-67 and column 32, lines 13-21);

a requirement that said user be informed of a disclosure of user data received by a party involved in an interaction (column 31, lines 46-50).

13. (Currently Amended) Regarding claim 11, Schneck teaches providing said notification to a party (column 29, lines 40-42).

[If a party has acquired permissions, then the notification shall occur.]

14. (Currently Amended) Regarding claim 12, Schneck teaches wherein at least one of said plurality of user information collection levels is based on, at least in part, at least one of the following:

a prior request received from said user (column 32, lines 43-50, "pre-loaded");

a request received from a service provider (column 17, lines 4-7 and 24-30);

a request from said user regarding data provided by said user (column 32, lines 43-50, "loaded when needed");

a requirement of said user regarding data provided by said user (column 19, lines 46-49);

a disclosure of data provided by said user (column 19, lines 46-57).

15. (Currently Amended) Regarding claim 18, Schneck, teaches determining a second of said plurality of user information collection levels (column 25, lines 60-62);

providing a notification of said second of said plurality of user information collection levels to said user (column 25, lines 60-62).

16. (Currently Amended) Regarding claim 19, Schneck teaches changing a user information collection level (column 27, lines 58-63 and column 28, lines 37-45 and 62-65);

providing a notification to said user of the change in level of user information collection (column 27, line 67 and column 28, lines 1 and 2).

[If the access is either granted or denied, the user will be notified of such occurrences.]

17. (Currently Amended) Regarding claim 20, Schneck teaches conducting a first interaction in accordance with said determined user information collection levels (column 19, lines 11-14).

18. (Currently Amended) Regarding claim 21, Schneck teaches terminating an interaction if said interaction cannot be conducted in accordance with said determined user information collection levels (column 18, lines 33-63).

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19. (Currently Amended) Regarding claim 22, Schneck teaches providing a notification to said user if an interaction cannot be conducted in accordance with said determined user information collection levels (column 20, lines 27-30).

20. (Currently Amended) Regarding claim 23, Schneck teaches allowing said user to modify at least one of said plurality of user information collection levels (column 23, lines 9-16 and column 32, lines 30-42).

21. (Currently Amended) Regarding claim 24, Schneck teaches modifying at least one of said plurality of user information collection levels (column 23, lines 9-16 and column 32, lines 30-42).

22. (Currently Amended) Regarding claim 26, Schneck teaches wherein said providing a notification includes at least one of the following:

providing a notification during that the web server is not complying with said user information collection level (column 7, lines 23-31 and column 19, lines 58-61);

providing a notification that the web server did not comply with said user information collection level during an interaction (column 7, lines 23-31 and column 19, lines 58-61);

providing a notification that the web server did comply with said user information collection level during an interaction (column 19, lines 15-24);

[If the programs are successfully terminated, then the party involved (in this instance, the web server) must have complied in order to be able to access the programs in the first instance.]

providing a notification that the web server is complying with said user information collection level (column 18, lines 56-59);
allowing said user involved to retrieve information regarding said determination (column 15, lines 31-40);

[The user gains access but is restricted to access that has been defined by the previous determination.]

providing a notification that a party exceeds said user information collection level if it is determined that said party exceeds said user information collection level (column 15, lines 31-40 and 62-67, column 16, lines 27-30, 64-67 and column 17, lines 1-3);

providing a notification that said party does not exceed said user information collection level if it is determined that said party does not exceed said user information collection level (column 18, lines 56-59).

[If access is granted, then the level was not exceeded.]

23. (Currently Amended) Regarding claim 45, Schneck discloses a computer program in a computer readable medium for providing notification of a user information collection level, comprising:

first instructions for determining a plurality of user information collection levels that may be implemented by the web server, wherein each user information collection level relates to a type of information that may be collected from or about a prospective user during a future interaction between the prospective user and the web server (column 7, lines 16-48

and column 12, lines 9-12, column 29, lines 40-42 and column 30, lines 25-28);

second instructions for receiving a request for a web page from a user, the request including an indication of one or more of user information collection levels that are acceptable to said user (column 10, lines 6-13 and 27-31, column 17, lines 4-7, column 29, lines 40-42 and column 30, lines 25-28);

third instructions for determining one user information collection level of said plurality of levels based on the indication of the one or more information collection levels that are acceptable to said user (column 7, lines 55-58, column 12, lines 4-12, column 29, lines 40-42, column 30, lines 25-28 and column 32, lines 30-42);

fourth instructions for providing the requested web page to the user, the web page including a notification of said determined user information collection level (column 9, lines 59-67, column 10, lines 1-11 and 27-31, column 11, lines 62-67, column 12, lines 1-12 and column 15, lines 1-35, column 29, lines 40-42 and column 30, lines 25-28).

24. (Currently Amended) Regarding claim 46, Schneck discloses wherein said level of user information collection is one of a plurality of possible levels of user information collection for which notifications can be displayed on said device (column 26, lines 12-24 and column 29, lines 40-42).

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25. (Currently Amended) Regarding claim 47, Schneck discloses a system for providing notification of a user information collection level, comprising:

a memory (Figure 8, column 15, lines 41-61);

a communication port (Figure 8, column 15, lines 41-61);

a processor connected to said memory and said communication port (column 15, lines 41-61),

said processor being operative to:

determine a plurality of user information collection levels that may be implemented by a web server (column 7, lines 16-48 and column 12, lines 9-12, column 29, lines 40-42 and column 30, lines 25-28);

receive a request for a web page from a user, the request including an indication of one or more of user information collection levels that are acceptable to said user, wherein each user information collection level relates to a type of information that may be collected from or about a prospective user during a future interaction between the prospective user and the web server (column 7, lines 16-48, column 10, lines 6-13 and 27-31 column 12, lines 9-12 and column 17, lines 4-7);

determine one user information collection level of said plurality of levels based on the indication of the one or more information collection levels that are acceptable to said user (column 7, lines 55-58, column 12, lines 4-12, column 29, lines 40-42, column 30, lines 25-28 and column 32, lines 30-42);

provide the requested web page to the user, the web page including a notification of said determined user information collection level (column 9, lines 59-67, column 10, lines 1-11 and 27-31, column 11, lines 62-67, column 12, lines 1-12 and column 15, lines 1-35, column 29, lines 40-42 and column 30, lines 25-28).

Response to Arguments

26. Applicant's arguments, see page 14, lines 9-13, filed 11/14/05, with respect to the examiner's previous assertion that a "Prior Art" label was required for Figure 6 have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

27. Applicant's arguments filed 11/14/05 have been fully considered but they are not persuasive. By implementing the access, authoring and other mechanisms, the necessary rules and levels of access can be collected about a user, via themselves directly or through other parties. Such examples can be found in the following, but not limited to, sections in Schneck (column 12, lines 4-12, column 15, lines 43-67, column 15, lines 31-40, column 16, lines 38-43, column 18, lines 18-24 and 64-67 and column 19, lines 1-65).

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah Avery whose telephone number is (571) 272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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